

**TOWN OF ROCKY HILL
PLANNING AND ZONING COMMISSION
MEETING OF JULY 15, 2015**

CALL TO ORDER

Chairman Desai called the Wednesday, July 15, 2015, meeting to order at 6:37 p.m. in the Town Council Room, Rocky Hill Town Hall, 761 Old Main Street, Rocky Hill, Connecticut.

Present: Dimple Desai, Chairman
Victor Zarrilli, Secretary
Carmen D'Agostino

Alternate: Sean Hussey
William O'Sullivan

Also Present: Kimberley A. Ricci, Town Planner/ ZEO /Special Constable

Absent: Michael Casasanta
William O'Sullivan

1. PUBLIC HEARING

A. Special Permit/Site Plan Application for, Rakesh Patel, seeking approval for a retail liquor store of approximately 1,680 sq. ft. in Unit G of Pavilion West Shopping Center, property located at 632 Cromwell Ave., in Rocky Hill, CT., in a C-Commercial Zoning District, ID# 12-179;

Mrs. Ricci said the Applicant submitted a letter requesting that this public hearing be continued.

A MOTION was made by Commissioner Zarrilli made a motion to reschedule the public hearing to August 19th. There was no second.

B. Proposed Rocky Hill Zoning Regulation Amendments, Economic Development Commission, Marti Stiglich, Chairperson, proposing to add:

1. Section 2.2 Definitions: Manufacturing, Light:

The manufacturing, compounding, processing, assembling, packaging or testing of goods or equipment, including research activities, from products and materials previously manufactured off-site, conducted entirely within an enclosed structure, with no outside storage and

imposing a negligible impact on the surrounding environment by noise, vibration, smoke, dust or pollutants;

**2. Section 4.1.3 Office Park District Special Permit Uses, Item O
O. Light Manufacturing**

Mr. Ray Carpentino, Economic Development Director for Rocky Hill addressed the Commission to explain this recommendation. Over the past years he has received quite a few requests for manufacturing facilities in Town. Brokers are looking for properties to locate these facilities but unfortunately Rocky Hill's inventory of property zoned for manufacturing has been depleted. Manufacturing is only allowed in the BP-Business Park Zone. The only properties for sale other than in the Commercial Zone are in the OP-Office Park Zone. Because of this, they are proposing allowing light manufacturing as a permitted use in the Office Park Zone subject to a Special Permit. The manufacturing process would have to be entirely indoors with no processing of raw materials. The Economic Development Commission looks upon manufacturing as a viable, high-value development.

Mrs. Marty Stiglich, of 214 Woodfield Crossing and Chairman of the Economic Development Commission addressed the Commission. She said the Commission was unanimous in deciding to make this request to the Planning and Zoning Commission. There are two manufacturers in Town that are looking to expand their businesses and prefer to stay in Rocky Hill. She said manufacturing facilities are not what they used to be. These businesses are very clean and do not generate large amounts of traffic. Mrs. Stiglich feels that some of the uses already allowed in this zone are more concerning than light manufacturing.

Mr. Carpentino pointed out that this change complies with the POCD in that one of the strategies is to have the Planning & Zoning Commission consider light manufacturing in the Office Park Zone.

Public

Ms. Toni Palazzolo of George Road said she thinks the Industrial Park is a beautiful area that she is proud of and she doesn't want to see other uses there other than offices. She wonders how the current businesses would feel about light manufacturing moving in to their Office Park.

Ms. Krista Mariner of 58 Farms Village Road addressed the Commission in opposition of this change. She submitted correspondence to the Commission detailing her concerns. She feels that this is a decision that should be made when the Commission begins updating their Zoning Regulations in September, not now. She feels this amendment could be considered spot zoning or contract zoning, both of which are improper and possibly illegal. She said this proposed change is driven by Mr. Carpentino's attempt to relocate a specific business in Rocky Hill that is looking to grow.

Ms. Mariner suggested an alternative to this amendment. Although she opposes adding manufacturing to the OP Zone on Brook Street and in Corporate Ridge, she is not opposed to adding it in the OP Zone in the industrial part of town, specifically on Old Forge and Dividend

Roads. She said these areas can be rezoned Business Park, as manufacturing would be a better fit in this area.

Ms. Mariner also has the following concerns about the definition of light manufacturing:

- How do you guarantee that products and materials are previously manufactured off-site?
- How do you guarantee that all activities will impose a “negligible impact” on the surrounding area?

Commissioner Comments/Questions

Commissioner O’Sullivan said the Regulations under Office Park District, already allow for light assembly as a site plan use and he wondered what the difference is between light assembly and light manufacturing. Mr. Carpentino said the proposed definition is intended to incorporate the process of manufacturing. Manufacturing includes assembly and the actual making of the product. Light manufacturing uses products and materials that are previously manufactured off-site. As far as “spot zoning”, they are not rezoning the property, they are changing Zoning Regulations. He doesn’t feel this change will alter the aesthetics of the office park. He noted that this proposal is not limited to Corporate Ridge. It would also include Corporate Executive Park, Town Property along the River and the adjacent Russo property among others.

Commissioner D’Agostino asked for further clarification as to the difference between manufacturing and light manufacturing. Mr. Carpentino said that will be a decision the Planning and Zoning Commission will have to make when an application comes before them.

Commissioner Hussey felt that the term “negligible impact” was extremely vague, which could cause problems in the future.

Chairman Desai said they just completed the POCD update and with this process they identified the areas where they thought manufacturing and light manufacturing would be appropriate. He doesn’t feel it is right to make additional changes because of the needs of individual companies. Mr. Carpentino said this recommendation is not just for one company; he has received many requests from potential developers over the last few years who are looking for a property that allows light manufacturing.

A MOTION was made by Commissioner Zarrilli close the public hearing for Proposed Rocky Hill Zoning Regulation Amendments, Economic Development Commission, Marti Stiglich, Chairperson, proposing to add:

1. Section 2.2 Definitions: Manufacturing, Light:

The manufacturing, compounding, processing, assembling, packaging or testing of goods or equipment, including research activities, from products and materials previously manufactured off-site, conducted entirely within an enclosed structure, with no outside storage and imposing a negligible impact on the surrounding environment by noise, vibration, smoke, dust or pollutants;

2. Section 4.1.3 Office Park District Special Permit Uses, Item O

O. Light Manufacturing

Motion was seconded by Commissioner Hussey. All were in favor, MOTION CARRIED UNANIMOUSLY.

A MOTION was made by Commissioner Zarrilli for a 5-minute recess. Motion was seconded by Commissioner D'Agostino. All were in favor, MOTION CARRIED UNANIMOUSLY.

A MOTION was made by Commissioner Zarrilli to come out of recess. Motion was seconded by Commissioner O'Sullivan. All were in favor, MOTION CARRIED UNANIMOUSLY.

2. CALL TO ORDER

Chairman Desai called the regular meeting to order.

3. PUBLIC

No public comment at this time.

4. ADOPT AGENDA

Mrs. Ricci noted that Value RX Pharmacy Services withdrew their application.

A MOTION was made by Commissioner Zarrilli to adopt the agenda removing the following items from the agenda:

B. Site Plan Application, Value RX Pharmacy Services, LLC, proposing a 12,000 square foot institutional pharmacy use (assembly and distribution) with office space at 31 Inwood Road in a BP-Business Park Zoning District, ID# 16-294;

D. Special Permit/Site Plan Application for, Rakesh Patel, seeking approval for a retail liquor store of approximately 1,680 sq. ft. in Unit G of Pavilion West Shopping Center, property located at 632 Cromwell Ave., in Rocky Hill, CT., in a C-Commercial Zoning District, ID# 12-179;

Motion was seconded by Commissioner O'Sullivan. All were in favor, MOTION CARRIED UNANIMOUSLY.

5. CONSENT AGENDA

- A. Minutes of June 17, 2015;**
- B. Minutes of July 1, 2015;**

A MOTION was made by Commissioner Zarrilli to adopt the Consent Agenda. Motion seconded by Commissioner O'Sullivan. All were in favor, MOTION CARRIED UNANIMOUSLY. The following items were approved on the Consent Agenda:

A. Minutes of June 17, 2015;

B. Minutes of July 1, 2015;

6. AGENDA ITEMS

A. Site Plan Application, J.V. III Construction, LLC, proposing a garage building of approximately 5,070 square feet and associated site improvements for property located at 133 Dividend Road in a BP-Business Park Zoning District, ID# 14-355;

Mr. Jim Cassidy, Professional Engineer and Principal with Hallisey, Pearson and Cassidy addressed the Commission representing the Applicant. He said he received some Staff Comments and in response he has made changes to the plan so he handed out revised copies of the plan addressing the revisions. The site consists of about 2.36 acres of business park zoned land. The property is bordered by Dividend Road to the west, a driveway to CITGO Petroleum and the Citgo Facility to the south and east. Mr. Vasel's residence is to the north. The site is presently used as a contractor's yards with an existing 2,300 sq. ft. building in the center of the property. The site is accessed through a single driveway and there is a gravel parking area off to the right. Construction equipment and materials are stored on site on the gravel surface. There is a vegetated berm in the front of the property.

Mr. Vasel would like to place a 25' high, 5,000 sq. ft. steel framed contractor's building at the rear of the site, which would require a modification to the site plan. They will build a concrete pad to place it on. He passed around a picture of the building. Three sides are solid walls and the front side has three doors. This building will be used to store a lot of Mr. Vasel's equipment. Mr. Cassidy said this site plan modification will meet all bulk table requirements. He said the Commission may be concerned about screening the building it is so far south that you would have drive down the driveway to see it. The only abutter who might see something is Mr. Vasel himself.

Mr. Cassidy responded to comments made by Staff. The new building will most likely only have a sink but they do plan on connecting to the sanitary sewer. Mr. Cassidy indicated this connection on the revised plan. The existing septic leeching field and the tank will be abandoned per the State Health Code. Both buildings will tie into the system on Dividend Road. Staff questioned whether or not this building would require a DEEP permit. Mr. Cassidy said he is aware that he will need to file for a general storm water permit through the DEEP. Mr. Cassidy showed the detail for the concrete pad on the revised plan. This pad will be reinforced with rebar in order to accommodate large vehicles and it will be pinned into the foundation of the building. Mr. Cassidy said he didn't actually test the soils on the site but he has done extensive work in the area and it tends to be all soil and gravel. Prior to construction, he plans to determine the permeability rates to determine the size of the system needed. The Engineering is asking that they be allowed to reserve the right to revise the erosion and sediment control plans as conditions

warrant. Mr. Cassidy said he will add this condition to the plans. Staff asked if vehicles would be repaired within the building and if there is a need for an oil/water separator. Mr. Cassidy said the primary use of the building is for storage of vehicles. There may be some minor repairs, but they are not proposing any floor drains. In the event of an oil spill they will use Speedy Dry and dispose of the material off site. As far as the outdoor lighting, there will only be 3 wall mounted lights over the doors of the building. They will be downcast, full-cutoff lights and details were added to the plans. There will be one handicapped parking space on the site and it will have a handicap parking sign post. The surface treatment of the parking area and vehicle location has been added to the site plan. A note was added to the plan stating that the parking of construction vehicles should be in an orderly manner and not in the Town's right of way. Staff is requesting a plan for construction showing how they plan to work around the existing vehicles on site.

Commissioner Comments/Questions

Commissioner O'Sullivan was concerned about the lack of floor drains. Mr. Cassidy said they are not storing snow removal vehicles in the building. The vehicles are vacuum trucks that need to be stored indoors. Any melting of snow would not warrant floor drains.

Commissioner Zarrilli asked if the building would be heated. Mr. Cassidy said it will be heated with recycled waste oil. Commissioner Zarrilli asked about the curb cut on the north side of the site. Mr. Cassidy said that is a gated access that is not used at this point. **Mr. John Vasel** said this access is there in case of an emergency.

Commissioner Hussey asked if they considered bringing the landscaped berm further to the rear of the property. Mr. Cassidy said no because of the grade of the property. Also if they were to extend the berm it would interfere with an existing drainage swale.

Commissioner Zarrilli said Google Earth shows some storage trailers on the property and he wondered if they are still there. Mr. Vasel said the storage trailers have been removed.

Chairman Desai said the soil testing should have been done and submitted with this application. He asked if Mr. Cassidy planned to tie in the existing building for storm water. Mr. Cassidy said they are not. If they did it would create a lot of unnecessary disturbance around that building. The runoff drains to the swales and because of the soils there is a lot of infiltration.

Commissioner Zarrilli was concerned about the relocation of vehicles during construction. Mr. Vasel said the area has been cleared out a lot so they don't expect any vehicles to interfere with construction. The Commission was concerned that Mr. Vasel loads and unloads some large trucks on the street and not on his property.

A MOTION was made by Commissioner Zarrilli to approve the Site Plan Application, J.V. III Construction, LLC, proposing a garage building of approximately 5,070 square feet and associated site improvements for property located at 133 Dividend Road in a BP-Business Park Zoning District including all staff comments and the following conditions:

- **That the soil be tested for proper drainage.**

- That a construction sequence be added to the plan.
- That considerable consideration be made that loading and unloading of equipment be done on the property.

Motion was seconded by Commissioner Hussey.

A FRIENDLY AMENDMENT was made by Commissioner O'Sullivan that all unloading and offloading of heavy equipment be performed on the subject property. Friendly Amendment was NOT ACCEPTED.

A FRIENDLY AMENDMENT was made by Commissioner O'Sullivan that there be a designation on the site plan of a loading and unloading area subject to demonstrating by the Applicant that loading and offloading is feasible to be performed on the property.

All were in favor, MOTION CARRIED UNANIMOUSLY.

B. Site Plan Application, Value RX Pharmacy Services, LLC, proposing a 12,000 square foot institutional pharmacy use (assembly and distribution) with office space at 31 Inwood Road in a BP-Business Park Zoning District, ID# 16-294;

This application was withdrawn.

C. Site Plan Application, Broad Street Three LLC c/o Commercial Services Realty, proposing a 1,500 square foot building addition with a new dumpster location and parking configuration at west side of existing building at 323 Cromwell Avenue in a C-Commercial Zoning District ID# 08-348;

A MOTION was made by Commissioner Zarrilli to move item 6. C. Site Plan Application, Broad Street Three LLC c/o Commercial Services Realty, proposing a 1,500 square foot building addition with a new dumpster location and parking configuration at west side of existing building at 323 Cromwell Avenue in a C-Commercial Zoning District to the bottom of the Agenda. Motion was seconded by Commissioner O'Sullivan. All were in favor, MOTION CARRIED UNANIMOUSLY.

D. Special Permit/Site Plan Application for, Rakesh Patel, seeking approval for a retail liquor store of approximately 1,680 sq. ft. in Unit G of Pavilion West Shopping Center, property located at 632 Cromwell Ave., in Rocky Hill, CT., in a C-Commercial Zoning District, ID# 12-179;

This item was removed from the Agenda.

E. Proposed Rocky Hill Zoning Regulation Amendments, Economic Development Commission, Marti Stiglich, Chairperson, proposing to add :

1. Section 2.2 Definitions: Manufacturing, Light:

The manufacturing, compounding, processing, assembling, packaging or testing of goods or equipment, including research activities, from products and materials previously manufactured off-site, conducted entirely within an enclosed structure, with no outside storage and imposing a negligible impact on the surrounding environment by noise, vibration, smoke, dust or pollutants;

**2. Section 4.1.3 Office Park District Special Permit Uses, Item O
O. Light Manufacturing**

A MOTION was made by Commissioner O’Sullivan to reject the Proposed Rocky Hill Zoning Regulation Amendments, Economic Development Commission, Marti Stiglich, Chairperson, proposing to add :

1. Section 2.2 Definitions: Manufacturing, Light: The manufacturing, compounding, processing, assembling, packaging or testing of goods or equipment, including research activities, from products and materials previously manufactured off-site, conducted entirely within an enclosed structure, with no outside storage and imposing a negligible impact on the surrounding environment by noise, vibration, smoke, dust or pollutants;

**2. Section 4.1.3 Office Park District Special Permit Uses, Item O
O. Light Manufacturing**

Motion was seconded by Commissioner D’Agostino. Commissioner O’Sullivan said he thinks the definition is too vague and over broad. Light Assembly is already a permitted use in the Office Park District, which is similar to what they are asking for. He thinks this proposal goes too far in amending the uses in the Office Park Zone. Commissioner D’Agostino also agreed that the definition was too vague. Commissioners Zarrilli, Desai and Hussey didn’t think this was the appropriate time to make this change when they are just beginning to update the Town’s Regulations. All were in favor, MOTION CARRIED UNANIMOUSLY.

A MOTION was made by Commissioner Zarrilli to table the Site Plan Application, Broad Street Three LLC c/o Commercial Services Realty, proposing a 1,500 square foot building addition with a new dumpster location and parking configuration at west side of existing building at 323 Cromwell Avenue in a C-Commercial Zoning District until the August 19th meeting. Motion was seconded by Commissioner O’Sullivan. All were in favor, MOTION CARRIED UNANIMOUSLY.

7. ANY OTHER BUSINESS

A. Finalize, Plan Implementation Committee, 2015 Plan of Conservation and Development

The Commission discussed who they would like to invite to serve on the Plan Implementation Committee along with the role of the Committee. It was suggested to include the following:

- Planning & Zoning Commission- 2-3 members (1 serving as Chairperson)
- Inland Wetlands and Watercourse Commission 1 member and 1 alternate
- Economic Development Commission – 1 member and 1 alternate

- Park and Recreation – 1 member and one alternate

At a previous meeting, Ms. Mariner suggested including a member of the Senior Affairs Committee as well. The public would be invited to all meetings and given the opportunity to provide input. Meetings will be advertised and special guests may be invited to attend depending on the topics being discussed. Mrs. Ricci said she will distribute copies of the POCD and letters to the Committees the Planning and Zoning Commission would like to see participate.

Mr. Carpeting suggested including a member from the Farmland Preservation Committee.

The Commission may meet quarterly once the Bylaws have been created.

8. COMMUNICATIONS

None.

9. APPROVE BILLS

None.

10. ADJOURN

A MOTION was made by Commissioner Zarrilli to adjourn the meeting at 9:00 p.m. Motion seconded by Commissioner O'Sullivan. All were in favor, MOTION CARRIED UNANIMOUSLY.

Respectfully submitted,

Eileen A. Knapp
Recording Secretary